1871
(L.R).

File. No. 3.
Serial. No. 1.

Subi:- Notification authorising Revenue Officers to adminster Oaths in cases brought before theirs courts for adjudication.

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Previous references.

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Serial Nos. 1.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

~~A~~ Part B for December 1871.

SUBJECT.

Notification authorizing Revenue Officers to administer oaths in cases brought before their Courts for adjudication.

Indexed

Mirza Nazer Hussain.

W D 88—GPB—50,000—24-7-16

No. 4731
181 J. Foreign Secretary

Judicial

23rd Dec. 1871.
Camp Saniwarsanté.

Calcutta.

Sir,

Section

I. The Hon'ble Judicial Comm. having recently brought to notice that there is no Rule in the Supreme Criminal Procedure Code, & other Regulations having the force of law in the Provinces authorizing Criminal Officers to administer oaths to persons brought before their Courts for adjudication under the provisions of the said Code, and that, in the absence of such specific authority, oaths administered by these officers are not legally binding, and a charge of giving false evidence in cases adjudicated by them could not be sustained, I am directed to solicit the sanction of H.E. the Viceroy & Gov. General in Council to the issue of the appended Notification, which has been drawn up with the object of amending this defect.

2. The Criminal Procedure Code, which was submitted to your Office with the letter noted in the margin, and has been approved by the Governor General in Council has been issued in the Provinces, the only addition of importance that has taken place being the passing of Act No. III of 1869 (Madras) which has empowered Civil Officers to summon persons to attend at their Cutcheries for the

S.R. 2963 & 2

× No. 742 of 21st June 1864.

& June reply No. 1637-14. July 1864.

Settlement of matters connected with Revenue Administration which were made applicable to Mysore by Fin. Dept. Notification No 254 of 27th Augt 1864.—

3. It does not appear that the Report under which reference has been made to the Court has been brought to the notice of the Revenue Courts nor has attention been called in the Instructions to the Officers of Revenue Courts to the Rules of the Code, in the belief on the part of the Officers presiding in them and the Auditor that they were competent to take evidence on oath in cases brought before them. For adjudication, the Chief Commr has deemed it advisable to add a paragraph to the Notification giving it retrospective effect as regards the proceedings in the said Courts held under the provisions of the Code.

H. King —

Draft